



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
1009 Main Street
Tewksbury, MA 01876**

Jonathan Parker, Chairman
Carolina Linder, Vice-Chair
Steve Deackoff, Clerk
Dennis Sheehan
Anthony Ippolito

**MEETING MINUTES
March 2, 2016**

The meeting was called to order at 7:00 p.m. by Jonathan Parker, Chairman. In attendance was Steve Deackoff, Anthony Ippolito, and Dennis Sheehan. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

Approval of Meeting Minutes - February 17, 2016

MOTION: Mr. Ippolito made the motion to approve the February 17, 2016 meeting minutes; seconded by Mr. Sheehan and the motion carried 4-0

A) Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-997

Present was Eric Gerard of TEC and Dr. James Wu of New Horizons Realty Group.

Mr. Gerard explained that they are before the Commission after response to comments that were received. They have been working with the Wetland Scientist on the Wildlife Habitat evaluation; which has been finalized, and they are moving forward with storm water revisions compared to comments received from town engineering, DEP, and the wetland peer review.

Mr. Gerard reviewed the changes in the storm water management and compensatory flood storage and explained that in the original locations, they needed clear close to the property line and they were then going to do some plantings. Comments were received on this to keep the storm water management and compensatory flood storage separate. In order to accomplish that, they have reduced the size of the building footprint by approximately 900-910 square feet and reduced the parking spaces by seven. Mr. Gerard showed the new locations of the storm water management basin and flood storage on the plan.

Mr. Gerard noted that, additionally, they have been able to reduce the clearing towards the abutter and maintain the existing vegetation. Overall, they feel this is a better plan for the property.

Mr. Gerard explained that they are still maintaining the rain garden in the middle; which is a lined rain garden due to the proximity of the ground water. They are using this as a pretreatment device. Sheet flow from the pavement will hit the pretreatment strip into the rain garden; which will then go into an outlet control structure, and it is then routed to the larger infiltration basin for final treatment. Mr. Gerard explained that after discussing this with the town engineer, they will be adding a deep sump into the outlet control with a hood so that anything that manages to get through will get collected in the hood of the deep sump.

Mr. Gerard explained that the Wildlife Habitat evaluation was completed by River Environmental Consultant. The primary results were that there are a couple cavity trees that were noted in the report; which can be mitigated by providing a couple of owl boxes out in the woods to replicate the habitat function. The report also noted to remove some of the debris in the back woods and replant with additional wetland type plantings. Mr. Gerard noted that they just updated the landscaping plan and provided a copy of the plan to the Commission members. The plantings being shown are consistent with the recommendations of the wildlife habitat study. Mr. Gerard noted that for the compensatory flood storage area, they are planting a significant amount of new plantings and trees. The purpose of this is for the volume to drop the grade slightly and to ensure this is treated as an unmaintained wooded area in the future. Additionally, they are proposing to move the row plantings that was at the edge of the cleared area up to the edge of parking to help create an additional buffer for the visual impacts of the abutters.

Mr. Gerard noted that they are also proposing a small patio area per tenant requirements and will line the very edge with some of type arborvitae. In addition, they are also proposing to plant an area that is currently within the 25 foot no disturb zone. Mr. Gerard noted that the area is currently an open, mowed area with an existing tree line and they are proposing to put wetland type fruit plantings to keep non-maintained area in the future and to better establish the wetland and its' function.

Mr. Boyd noted that Mr. Manuell's letter had some recommendations that he is in agreement with such as permanent demarcation of the no disturb zone. Mr. Boyd inquired about the as built plan and Mr. Gerard explained that this was for the construction of the compensatory flood storage area. The intent was to construct it first, get an as built and have it certified, and have someone oversee the construction prior to any filling of the existing flood plain to ensure it is adequately constructed.

Mr. Boyd noted that in the past there was discussion on a conservation restriction and asked if this is still being done. Mr. Gerard explained that this is something that they are still willing to consider, but they would like to discuss this with the town first. Mr. Boyd noted that it can also be private and asked what they would be willing to consider for a restriction and Mr. Wu explained that this is something that he has discussed with Mr. Gerard and they did have some legal concerns; however, he has no intentions of further developing the property. Mr. Boyd suggested a condition that a conservation restriction agreed upon by the town and the applicant as well as referencing Mr. Manuell's letter.

Mr. Deackoff noted that he just received Mr. Manuell's letter today, but it appears the applicant was going to respond with a plan. Mr. Gerard explained that they just received the letter on Monday and they have been working to address some of these items. Some have not yet made the plan; however, they would be open to a condition that they work with the conservation agent on this.

Mr. Ippolito discussed the rain water collection area and noted that it was stated that the flow of water would be directed into the rain garden and into the culvert and asked what the size of the pipe is and Mr. Gerard noted it is a 12 inch pipe and explained that previously there was no sump. Now the water comes in, the particles are collected, and the clean water will go through the pipe. Mr. Ippolito asked if there is a French drain and Mr. Gerard explained that there is a French drain at the bottom of the rain garden. Mr. Ippolito asked if the town engineer is satisfied with this and Mr. Gerard confirmed this. Mr. Ippolito noted that Mr. Gerard also mentioned FEMA. Mr. Gerard explained that they are zone AE and have a 115 defined elevation. Everything they are filling over 115 they have to replicate and between 114 and 115 they are required to show that they are providing at least the same amount of flood storage.

MOTION: Mr. Sheehan made the motion to close the public hearing; seconded by Mr. Ippolito and the motion carried 4-0.

Mr. Ippolito left the room.

MOTION: Mr. Deackoff made the motion to approve Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60, Lot 39, DEP #305-997, reference shall be made to Mr. Manuell's letter dated February 29, 2016, the applicant shall work with the conservation agent on a determining a conservation restriction; seconded by Mr. Sheehan and the motion carried 3-0.

B) (Continued) Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP #305-998

Mr. Parker noted that this matter will be continued to March 16, 2016.

MOTION: Mr. Deackoff made the motion to continue the public hearing for Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP #305-998; seconded by Mr. Sheehan and the motion carried 3-0.

MOTION: Mr. Deackoff made the motion to continue Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP #305-998 to March 16, 2016 at 7:04 p.m.; seconded by Mr. Ippolito and the motion carried 3-0.

C) Notice of Intent, New England Power Company, Existing Transmission Line ROW, Map 49, Lot 34, DEP #305-1003

Present was John Veira of VHB.

Mr. Boyd noted that the public hearing on this matter was closed at the last meeting. Mr. Veira explained that it is his understanding that the matter was only continued as a DEP number had not yet been issued. The DEP file number has since been issued: #305-1003.

Mr. Boyd noted that the conditions that were previously discussed were a retainer for Mr. Manuell to review the snags, the invasive management, and wetland restoration.

Mr. Deackoff asked how much for a retainer and Mr. Boyd noted that this has not yet been determined. Mr. Veira noted that he believes they have paid \$3,000 and Mr. Boyd noted that \$3,000 would likely be insufficient for the size of this project.

MOTION: Mr. Deackoff made the motion to approve Notice of Intent, New England Power Company, Existing Transmission Line ROW, Map 49, Lot 34, DEP #305-1003, standard order of Conditions, Bill Manuell shall inspect and monitor the project as it moves along; seconded by Mr. Sheehan and the motion carried 3-0.

Mr. Ippolito returned.

D) (Continued) Request for Certificate of Compliance, Marc P. Ginsburg, Settlers Way, DEP #305-964

Mr. Parker noted that this matter will be continued to March 16, 2016.

MOTION: Mr. Deackoff made the motion to continue Request for Certificate of Compliance, Marc P. Ginsburg, Settlers Way, DEP #305-964 to March 16, 2016 at 7:06 p.m.; seconded by Mr. Sheehan and the motion carried 4-0.

Old Business

● **Enforcement Order Updates**

Mr. Boyd explained that he was out in the field at 30 Henry J Drive and there was a site where they had submitted for a building permit for an addition. The addition was to be approximately 150 feet from the wetlands so Conservation approval was not required; however the homeowners proceeded to clear up to approximately 65 feet from a stream so an enforcement order was issued and needs to be ratified by the Commission. The work has been stopped and erosion controls have been installed. Mr. Deackoff asked if the stream is perennial and Mr. Boyd explained that it is not and is actually a drainage ditch that feeds into Round Pond.

MOTION: Mr. Deackoff made the motion to ratify the enforcement order for 30 Henry J Drive; seconded by Mr. Sheehan and the motion carried 4-0.

New Business

● **Classes being offered by MACC and New England Wildflower Society**

Mr. Boyd noted that there are a few classes being offered and encouraged the members to attend. Mr. Boyd explained that he will be attending three classes: Wetland Shrubs, Wetland Delineation, and Hydric Soil. Mr. Boyd provided the members with the information on the classes.

● **MACC Annual Conference this Saturday**

Mr. Boyd noted that the MACC Annual Conference will take place this Saturday.

● **New Gear needed for field work**

Mr. Boyd noted that he is in need of muck boots for field work and has found a pair for \$130.

MOTION: Mr. Deackoff made the motion to appropriate up to \$130.00 from the Wetland Protection Fund for new muck boots for Mr. Boyd; seconded by Mr. Sheehan and the motion carried 4-0.

Mr. Deackoff requested Mr. Boyd provide the members with a written copy of his comments on the hearings prior to the meetings. Mr. Boyd confirmed this will be done.

Adjourn.

MOTION: Mr. Deackoff made the motion to adjourn; seconded by Mr. Sheehan and the motion carried 4-0.

Approved: 3/16/16

List of documents for 3/2/16 Agenda
Documents can be located at the Community Development Office

- A. 7:02** Approval of Minutes February 17th, 2016
Notice of Intent, New Horizons Realty Group, 1201 Main Street, Map 60 Lot 39, DEP #305-997
- *Proposed Business Park Phase II revisions dated February 10th, 2016*
 - *Site Plans signed and stamped by Eric Girade dated October 9th, 2015*
 - *Review Letter from Bill Manuell dated February 29, 2016*
 - *Review letter from Bill Manuell dated November 11th, 2016*
 - *Review letter from Kyle Boyd*
 - *NOI submittal package dated October 9, 2015*
- B. 7:04** (Continued) Notice of Intent, Arnold Martel, 15 Starbird Avenue, DEP # 305-998
- *Review letter from Kevin Hardiman dated March 7, 2016*
 - *Grading, Drainage, and Erosion Control Plan signed and stamped by Jim Hanley dated November 6, 2015*
 - *Open Space Residential Design Special Permit printout*
 - *Notice of Intent Submittal package dated November 2015*
 - *Review letter from Bill Manuell dated November 21, 2015*
 - *Review letter from Kyle Boyd*
 - *Letter from Norse Environmental dated December 9, 2015*
 - *Definitive Subdivision Plans signed and stamped by Jim Hanley dated November 6, 2015*
- C. 7:06** Notice of Intent, New England Power Company, Existing transmission line ROW, Map 49 Lot 34, DEP #
- *New England Power Company Merrimack Valley Reliability Project NOI submittal package dated January 2016*
- D. 7:08** (Continued) Request for Certificate of Compliance, Marc P. Ginsburg, Settlers Way, DEP #305-964

Old Business

- Enforcement Order Updates

New Business

- Classes being offered MACC & New England Wildflower Society
- MACC Annual Conference this Saturday
- New Gear needed for fieldwork